

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MARSHALL PACKAGING  
COMPANY, LLC**

**Plaintiff,**

**V.**

**NIAGARA DRINKING WATERS, INC.,  
AND NIAGARA BOTTLING, LLC**

## Defendants.

§ § § § § § § § § §

**CIVIL ACTION NO. 6:09-cv-88**

## JURY TRIAL DEMANDED

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**

Plaintiff Marshall Packaging Company, LLC files this Motion for Leave to File its First Amended Complaint. A copy of the First Amended Complaint is contemporaneously filed herewith.

The First Amended Complaint adds a number of new defendants to the lawsuit. Given the status of the case, however, this should not result in any delay of the proceedings or work to the prejudice of any party. Moreover, Plaintiff contends that it is in the interests of judicial economy to have all the prospective defendants consolidated in one case rather than separated into multiple lawsuits.

Respectfully submitted,

By: /s/ Donald Puckett

Donald Puckett  
Attorney-In-Charge  
State Bar No. 24013358  
dpuckett@thewarefirm.com  
Leslie D. Ware  
State Bar No. 00785179  
lesware@thewarefirm.com  
Mark W. Born  
State Bar No. 24034334  
mborn@thewarefirm.com  
Eric S. Tautfest  
State Bar No. 24028534  
etautfest@thewarefirm.com  
George T. Scott  
State Bar No. 24061276  
gscott@thewarefirm.com

**THE WARE FIRM**  
2101 Cedar Springs Road, Suite 1900  
Dallas, Texas 75201

T. John Ward, Jr.  
State Bar No. 00794818  
jw@jwfir.com

**WARD & SMITH LAW FIRM**  
111 W. Tyler St.  
Longview, Texas 75601  
(903) 757-6400  
(903) 757-2323 Fax

**ATTORNEYS FOR PLAINTIFF**  
**MARSHALL PACKAGING COMPANY, LLC**

**CERTIFICATE OF ELECTRONIC SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per LOCAL RULE CV-5(a)(3) today, March 5, 2009. Any other counsel of record will be served by postage paid, certified first class mail, return receipt requested.

/s/ George Scott